

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

JONATHAN RIVERA-PIEROLA,

*Plaintiff,*

v.

BOARD OF REGENTS FOR THE  
OKLAHOMA AGRICULTURAL AND  
MECHANICAL COLLEGES; STATE OF  
OKLAHOMA *ex rel.* OKLAHOMA  
STATE UNIVERSITY; and ST.  
MATTHEWS UNIVERSITY, INC.,

*Defendants.*

Civil Action No.: 5:21-cv-00616-PRW

**JOINT MOTION FOR EXTENSION OF TRIAL DOCKET DEADLINES**

COME NOW the Parties, Plaintiff, Jonathan Rivera-Pierola (“Plaintiff”), and Defendants, the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges (“Board of Regents”) and the State of Oklahoma *ex rel.* Oklahoma State University (“Defendants,” and, together with Plaintiff, collectively, the “Parties”), pursuant to LCvR 7.1(h), hereby respectfully and jointly request an extension of the current trial docket deadlines. In support of this Motion, the Parties show the Court as follows:

1. On March 10, 2023, Plaintiff filed an Unopposed Motion for Extension of Current Discovery and Trial Docket Deadlines [Docket No. 32].
2. On March 13, 2023, this Court entered an Order resetting this case on the Court’s September 2023 Trial Docket and extended all unexpired deadlines. [Docket No. 33].

3. This is the third and *final* request to extend the deadlines in this case.

4. On June 29, 2023, Defendants filed their Motion for Summary Judgment and Supporting Brief. [Docket No. 34].

5. On July 6, 2023, the Parties filed a Joint Motion for Extension of Current Discovery and Trial Docket Deadlines to finalize discovery. [Docket No. 39].

6. On July 10, the Court entered an Order granting the Parties' Joint Motion for Extension of Current Discovery and Trial Docket Deadlines, resetting this case on the Court's November 2023 Trial Docket and extending all unexpired deadlines. [Docket No. 41].

7. On July 27, 2023, Plaintiff filed his Memorandum in Opposition to Defendant Oklahoma State University's Motion for Summary Judgment. [Docket No. 43].

8. On August 3, 2023, Defendants filed their Reply to Plaintiff's Memorandum in Opposition. [Docket No. 45].

9. The Parties have now completed *all* discovery in the case, including the deposition of Plaintiff's expert witness.

10. In preparing for trial, the Parties have become aware that two (2) key material fact witnesses will be unavailable to testify at trial as currently scheduled in November 2023.

11. The Parties are in agreement that the unavailability of these two (2) key material fact witnesses will have a significant detrimental impact on the cases they intend to present to the jury and on the trial as a whole.

12. The Parties are asking for a trial date to be set in February 2024 or later due material witness availability issues in November 2023.

13. All key material witnesses have been contacted and confirmed their availability to testify at trial if the trial date were to be rescheduled for February 2024.

14. The Parties agree that extending the deadlines would be in the best interest of all parties, and such an extension would not be for the purpose of delay.

15. Should the Court grant the Parties' request for an extension to the trial date, the current discovery and trial docket deadlines would be adjusted as follows:

<b>FILINGS</b>	<b>CURRENT DEADLINES</b>	<b>PROPOSED DEADLINES</b>
Jury Trial	November 2023	February 2024
Designations of deposition testimony to be used at trial	October 23, 2023	January 22, 2024
Objections and counter-designations to be filed. Objections to counter-designations to be filed within seven (7) days thereafter	October 30, 2023	January 29, 2024
Motions <i>in limine</i>	October 23, 2023	January 22, 2024
Requested <i>voir dire</i>	October 23, 2023	January 22, 2024
Requested jury instructions	October 23, 2023	January 22, 2024
Proposed findings and conclusions of law	October 23, 2023	January 22, 2024
Trial briefs (optional unless otherwise ordered)	October 23, 2023	January 22, 2024
Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules ( <i>see</i> Appendix IV), together with a proposed order approving the report	October 23, 2023	January 22, 2024

WHEREFORE for the above stated reasons, the Parties respectfully request an extension of the current discovery and trial docket deadlines as propounded above. In

accordance with Local Rule 7.1(h), a proposed order is being contemporaneously submitted with this Motion.

Submitted this 2nd day of October 2023.

Respectfully submitted,

/s/ Jason J. Bach

Jason J. Bach

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*Attorneys for Defendants Board of Regents and  
the State of Oklahoma ex rel. Oklahoma State  
University*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 2, 2023, I electronically transmitted the attached document to the Clerk of Court using the ECF system for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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/s/ Jason J. Bach  
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